

1 AN ACT in relation to timber.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Timber buyers Licensing Act is amended by
5 changing Sections 2, 3, 4, 5, 7, 9a, 11, and 13 and adding
6 Section 3a as follows:

7 (225 ILCS 735/2) (from Ch. 111, par. 702)

8 Sec. 2. Definitions. When used in this Act, unless the
9 context otherwise requires, the term:

10 "Person" means any person, partnership, firm,
11 association, business trust or corporation.

12 "Timber" means trees, standing or felled, and parts
13 thereof which can be used for sawing or processing into
14 lumber for building or structural purposes or for the
15 manufacture of any article. "Timber" does not include
16 firewood, Christmas trees, fruit or ornamental trees or wood
17 products not used or to be used for building, structural,
18 manufacturing or processing purposes.

19 "Timber buyer" means any person licensed or unlicensed,
20 or his or her agent or representative, who is engaged in the
21 business of buying timber from the timber growers thereof for
22 sawing into lumber, for processing or for resale, but does
23 not include any person who occasionally purchases timber for
24 sawing or processing for his own use and not for resale.

25 "Buying timber" means to buy, barter, cut on shares, or
26 offer to buy, barter, cut on shares, or take possession of
27 timber, with or without the consent of the timber grower.

28 "Timber grower" means the owner, tenant or operator of
29 land in this State who has an interest in, or is entitled to
30 receive any part of the proceeds from the sale of timber
31 grown in this State and includes persons exercising authority

1 to sell timber.

2 "Department" means the Department of Natural Resources.

3 "Director" means the Director of Natural Resources.

4 "Employee" means any person in service or under contract
5 for hire, expressed or implied, oral or written, who is
6 engaged in any phase of the enterprise or business at any
7 time during the license year.

8 (Source: P.A. 89-445, eff. 2-7-96.)

9 (225 ILCS 735/3) (from Ch. 111, par. 703)

10 Sec. 3. Necessity of license; application.

11 Every person before engaging in the business of timber
12 buyer shall obtain a license for such purpose from the
13 Department. Application for such license shall be filed with
14 the Department and shall set forth the name of the applicant,
15 its principal officers if the applicant is a corporation or
16 the partners if the applicant is a partnership, the location
17 of any principal office or place of business of the
18 applicant, the counties in this State in which the applicant
19 proposes to engage in the business of timber buyer and such
20 additional information as the Department by regulation may
21 require.

22 ~~The application shall set forth the aggregate dollar~~
23 ~~amount paid to timber growers for timber purchased in this~~
24 ~~State during the applicant's last completed fiscal or~~
25 ~~calendar year. In the event the applicant has been engaged as~~
26 ~~a timber buyer for less than one year, his application shall~~
27 ~~set forth the dollar amount paid to timber growers for the~~
28 ~~number of completed months during which the applicant has~~
29 ~~been so engaged. If the applicant has not been previously~~
30 ~~engaged in buying timber in this State, the application shall~~
31 ~~set forth the estimated aggregate dollar amount to be paid by~~
32 ~~the applicant to timber growers for timber to be purchased~~
33 ~~from them during the next succeeding 12-month period.~~

1 (Source: P.A. 77-2796.)

2 (225 ILCS 735/3a new)

3 Sec. 3a. Timber purchase registration. When a timber
4 buyer purchases timber in this State from a timber grower,
5 the buyer shall register the timber purchase with the
6 Department. Upon receipt of a timber purchase registration,
7 the Department shall issue a timber purchase registration
8 number to the buyer and provide written notification of the
9 timber purchase registration. No timber may be cut or
10 harvested until a timber purchase registration number for
11 that timber has been received from the Department.

12 (225 ILCS 735/4) (from Ch. 111, par. 704)

13 Sec. 4. Bond. Every person licensed as a timber buyer
14 shall have-on file with the Department, on a form prescribed
15 and furnished by the Department, a performance surety bond
16 payable to the State of Illinois by and through the
17 Department and conditioned on the faithful performance of and
18 compliance with all requirements of the license and this Act.
19 The bond shall be a surety bond signed by the person to be
20 licensed as principal and by a good and sufficient corporate
21 surety authorized to engage in the business of executing
22 surety bonds within the State of Illinois as surety thereon.
23 In lieu of a corporate surety bond an applicant for a timber
24 buyers license may, with the approval of the Department,
25 deposit with the Department as security a file-a-bond-signed
26 by-the-applicant-as-principal-and-accompanied-by--a--bank--or
27 savings--and--loan--association certificate of deposit or
28 irrevocable letter of credit of any bank organized or
29 transacting business in the United States in-a-form-approved
30 by--the--Department,--showing--to--the--satisfaction--of--the
31 Department-that-funds in an amount equal to or greater than
32 the amount of the required bond are-on-deposit-in-a-bank-or

1 savings-and-lean-association--to--be--held--by--the--bank--or
 2 savings--and--lean--association-for-the-period-covered-by-the
 3 license. Such deposits shall be made, held, and disposed of
 4 as provided in this Act and by the Department by rule. A
 5 bond or certificate of deposit The--funds shall be made
 6 payable upon demand to the Director, subject to the
 7 provisions of this Act, and any rules adopted under this Act,
 8 and shall be for the use and benefit of the people of the
 9 State of Illinois, and for the use and benefit of any timber
 10 grower from whom the applicant purchased timber and who is
 11 not paid by the applicant or for the use and benefit of any
 12 timber grower whose timber has been cut by the applicant or
 13 licensee or his or her agents, and who has not been paid
 14 therefor; or for the use and benefit of any person aggrieved
 15 by the actions of the timber buyer. the-Department-may,-in
 16 its-discretion,-continue-the-existing-bond-of-any-applicant
 17 who-has-previously-been-licensed-and-posted-a-good-and
 18 sufficient-bond.

19 Such bond shall be in the principal amount of \$5,000 \$500
 20 for an applicant who paid timber growers \$50,000 \$5,000 or
 21 less for timber during the immediate preceding year, and an
 22 additional \$1,000 \$100 for each additional \$10,000 \$1,000 or
 23 fraction thereof paid to timber growers for timber purchased
 24 during the preceding year, but shall not be more than \$50,000
 25 \$10,000. In the case of an applicant not previously engaged
 26 in business as a timber buyer, the-amount-of-such-bond-shall
 27 be-based-on-the-estimated-dollar-amount-to-be-paid-by-such
 28 timber-buyer-to-timber-growers-for-timber-purchased-during
 29 the-next-succeeding-year,-as-set-forth-in-the-application;
 30 such-bond-shall,-in-no-event,-be-in the principal amount of
 31 bond shall be \$5,000. less-than-\$500. The amount of bond or
 32 deposit shall be increased or reduced from time to time as
 33 the result of the timber buyer's actual activities, changes
 34 in the timber industry or value of timber, new information,

1 or other cause. The Department shall by rule provide
2 standards and procedures for such adjustments of a bond.

3 A bond filed in accordance with this Act Such--bond,--or
4 surety--thereon, shall not be cancelled or altered during the
5 period for which the timber buyer remains licensed by the
6 Department license-to-the-applicant-was-issued except upon at
7 least 90 60 days notice in writing to the Department; in the
8 event that the applicant has deposited certificates of
9 deposit in lieu of a corporate surety the Department may
10 retain possession of such certificates of deposit for a
11 period of 18 months 60--days following the expiration or
12 revocation of his or her license. If the license to do
13 business in Illinois of any surety on a bond filed with the
14 Department pursuant to this Act is suspended or revoked, the
15 timber buyer, within 30 days after receiving notice thereof,
16 shall substitute for such surety a good and sufficient
17 corporate surety licensed to do business in Illinois. On
18 failure of the timber buyer to make substitution of surety as
19 provided in this Section, the Department may suspend the
20 license of the timber buyer until the substitution has been
21 made.

22 At any such time as a licensee fails to have the
23 necessary surety bonds, certificates of deposit, or
24 irrevocable letters of credit or--both on deposit with the
25 Department as required herein, the Department may
26 immediately, and without notice, suspend the privileges
27 revoke-the-license of such licensee. In the event of such
28 suspension revocation, the Department shall give immediate
29 notice of the same to the licensee and shall further
30 reinstate such license upon the posting of the required
31 surety bond, or certificates of deposit, or irrevocable
32 letters of credit.

33 Bonds shall be in such form and contain such terms and
34 conditions as may be approved from time to time by the

1 Director, be conditioned to secure an honest cutting and
2 accounting for timber purchased by the licensee, secure
3 payment to the timber growers and to insure the timber
4 growers against all fraudulent acts of the licensee in the
5 purchase and cutting of the timber of this State. Liability
6 under the bond shall be for the duration of the timber
7 buyer's activities within Illinois during the period of his
8 or her licensure.

9 In the event the timber buyer fails to pay when owing due
10 any amount due a timber grower for timber purchased, or fails
11 to pay judicially determined damages for timber wrongfully
12 cut by a timber buyer or his agent, whether such wrongful
13 cutting has occurred on or adjacent to the land which was the
14 subject of timber purchase from a timber grower, or causes
15 damage to persons or property as a result of timber buying
16 and related activities, or commits any violation of this Act
17 or rules adopted under this Act, then an action on the bond
18 or deposit for forfeiture may be commenced. Procedures for
19 forfeiture shall be established by rule and shall afford the
20 timber buyer an opportunity for an administrative hearing,
21 prior to forfeiture, with respect to the alleged violation or
22 noncompliance. After the conclusion of any such hearing the
23 Department shall either withdraw the forfeiture action or
24 proceed thereon. Such action is not exclusive and is in
25 addition to any other judicial remedies available. If bond
26 forfeiture is ordered by the Department and the surety or
27 bank refuses to honor the bond forfeiture order, the Attorney
28 General shall, upon request of the Department, institute
29 proceedings to collect the bond amount.

30 In the event that the timber grower or owner of timber
31 cut considers himself or herself aggrieved by a timber buyer,
32 he or she shall notify the Department in writing of such
33 grievance and thereafter the Department shall within 10 days
34 give written notice to the timber buyer of the alleged

1 violation of this Act or of any violation or noncompliance
2 with the regulations hereunder of which the timber grower or
3 owner of timber complains. The written notice to the timber
4 buyer shall be from the Department by registered or certified
5 mail to the licensee and his or her sureties stating in
6 general terms the nature of the violation and that an action
7 seeking forfeiture of the bond may be commenced at any time
8 after the 10 days from the date of said notice if at the end
9 of that period the violation still remains. In the event the
10 Department shall fail to give notice to the timber buyer as
11 provided herein, the timber grower or owner of timber cut may
12 commence his or her own action for forfeiture of the
13 licensee's bond.

14 The timber buyer, after receiving notice from the
15 Department as provided herein, may within 10 days from the
16 date of such notice, request in writing to appear and be
17 heard regarding the alleged violation.

18 Upon such request from the timber buyer, the Department
19 shall schedule a hearing, designating the time and place
20 thereof. At such hearing the timber buyer may present for
21 consideration of the Department any evidence, statements,
22 documents or other information relevant to the alleged
23 violation. The hearing shall be presided over by the Director
24 or by any hearing officer he or she may designate. The
25 hearing officer shall take evidence offered by the timber
26 buyer or the Department and shall, if requested by the
27 Department, submit his or her conclusions and findings which
28 shall be advisory to the Director. Any hearings provided for
29 in this Section shall be commenced within 30 days from the
30 request therefor.

31 Should the timber buyer fail to make timely request for a
32 hearing after receipt of the notice from the Department as
33 provided herein, or after a hearing is concluded, the
34 Department may either withdraw the notice of violation or

1 request-the-Attorney-General-to-institute-proceedings-to-have
 2 the-bond-of-the-timber-buyer-forfeited.-The-Attorney-General,
 3 upon--such--request--from--the--Department,--shall--institute
 4 proceedings-to-have-the-bond-of-the--timber--buyer--forfeited
 5 for--violation--of--any--of-the-provisions-of-this-Act-or-for
 6 noncompliance-with-any-Department-regulation.

7 In the event that the licensee's bond is forfeited, the
 8 proceeds thereof shall first be applied to any sums
 9 determined to be owed to the timber grower or owner of timber
 10 cut or other persons aggrieved by the actions of the timber
 11 buyer and then to the Department to cover any moneys owed for
 12 harvest fees and for reasonable expenses incurred by the
 13 Department defray-expenses--incurred--by--the--Department--in
 14 converting---the---security---into---money.--Thereafter,--the
 15 Department-shall-pay-such-excess--to--the--timber--buyer--who
 16 furnished--such-security. Any bond money remaining after all
 17 deductions shall be returned to the timber buyer. A timber
 18 buyer against whom forfeiture proceedings have been required
 19 shall have his or her timber buyer's license revoked and
 20 shall not be issued a timber buyer's license in Illinois for
 21 a period of 2 years following such proceedings.

22 In-the-event-the-Department-realizes-less-than-the-amount
 23 of-liability-from--the--security,--after--deducting--expenses
 24 incurred--by--the--Department-in-converting-the-security-into
 25 money,--it-shall-be-grounds-for-the-revocation-of--the--timber
 26 buyer's-license.

27 (Source: P.A. 83-1362.)

28 (225 ILCS 735/5) (from Ch. 111, par. 705)

29 Sec. 5. Violations. It shall be unlawful and a
 30 violation of this Act:

31 (a) For any timber buyer to knowingly and willfully fail
 32 to pay, as agreed, for any timber purchased,

33 (b) For any timber buyer to negligently knowingly--and

1 willfully cut or cause to be cut or appropriate any timber
2 without the consent of the timber grower or owner,

3 (c) For a timber buyer to willfully make any false
4 statement in connection with the application, bond or other
5 information required to be given to the Department or a
6 timber grower,

7 (d) To fail to honestly account to the timber grower or
8 the Department for timber purchased or cut if the buyer is
9 under a duty to do so,

10 (e) For a timber buyer to commit any fraudulent act in
11 connection with the purchase or cutting of timber,

12 (f) For a timber buyer or land owner or operator to fail
13 to file the report or pay the fees required in subsection (a)
14 of Section 9a of this Act, and

15 (g) For any person to resist or obstruct any officer,
16 employee or agent of the Department in the discharge of his
17 duties under the provisions hereof,

18 (h) For any timber buyer to fail to register a timber
19 purchase with the Department as required in Section 3a of
20 this Act or to harvest or cut any timber before the timber
21 purchase registration number has been received,

22 (i) For any timber buyer to fail to pay penalties or
23 late fees as required in subsection (b) or (c) of Section 9a,
24 and

25 (j) For any timber buyer to abandon, deposit, or
26 otherwise place any trees or parts of trees into the waters
27 or upon the ice of any waters of this State or in any place
28 on the bank of waters of this State where it may enter into
29 the waters by storms, floods, or other causes.

30 (Source: P.A. 86-208.)

31 (225 ILCS 735/7) (from Ch. 111, par. 707)

32 Sec. 7. License; issuance, validity, and renewal;
33 certificate. If the Department is satisfied that the

1 applicant has fulfilled the requirements and if the bond and
2 sureties or bank certificate of deposit filed by the
3 applicant is approved, the Department may shall issue a
4 license to the applicant. The licenses issued shall be valid
5 for a calendar year and may be renewed annually. A copy of
6 the license certificate issued by the Department shall be
7 posted in the principal office of the licensee in this State.
8 The timber buyer identification card issued by the Department
9 shall be carried upon the person of the timber buyer when
10 conducting activities covered under this Act for immediate
11 presentation for inspection to the officers and authorized
12 employees of the Department, any sheriff, deputy sheriff, or
13 any other peace officer making demand for it.

14 Upon request for a license and payment of the fee, the
15 Department shall issue to the licensee a certificate that a
16 license has been granted and a bond filed as required by this
17 Act.

18 (Source: P.A. 76-1307.)

19 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

20 Sec. 9a. Harvest fees; penalties.

21 (a) When a timber buyer purchases timber in this State,
22 the buyer shall determine the amount to be paid for such
23 timber, or the value of items to be bartered for such timber,
24 and shall deduct from the payment to the timber grower an
25 amount which equals 4% of the purchase price and shall
26 forward such amount to the Department of Natural Resources,
27 along with a report of the purchase on forms provided by the
28 Department.

29 Every timber grower who utilizes timber produced on land
30 he owns or operates for sawing into lumber, for processing,
31 or for resale, except a person who occasionally uses his own
32 timber for sawing or processing for his own use and not for
33 resale, shall report periodically, as required by regulation

1 of the Department, the quantity of timber produced and
 2 utilized by the owner or operator during the reporting
 3 period. Such timber grower shall pay to the Department, when
 4 the periodic report is submitted, an amount equal to 4% of
 5 the gross value of the timber utilized during the period.
 6 The value of such timber shall be determined pursuant to rule
 7 of the Department. Such rules shall include a voluntary
 8 arbitration program for use in situations in which a dispute
 9 arises as to the gross value of the timber.

10 The fees required by this Section shall be deposited in
 11 the Illinois Forestry Development Fund, a special fund in the
 12 State Treasury, for the purposes of the "Illinois Forestry
 13 Development Act".

14 (b) In the case of a failure to pay any harvest fee
 15 required under subsection (a) on the date required by
 16 Department rule, there shall be added as a penalty an amount
 17 equal to 7.5% of the harvest fee due to the Department for
 18 each month or fraction thereof during which the failure
 19 continues. This penalty shall not exceed 37.5% of that fee
 20 in the aggregate. This penalty shall be in addition to any
 21 other penalty imposed under this Act.

22 (c) In the case of a failure to file the appropriate
 23 report of the purchase harvest fee form required under this
 24 Section on the date prescribed therefore, a penalty in the
 25 amount of \$25 for each individual report shall be added to
 26 the amount due to the Department. This penalty shall be in
 27 addition to any other penalty imposed under this Act.

28 (Source: P.A. 89-445, eff. 2-7-96.)

29 (225 ILCS 735/11) (from Ch. 111, par. 711)

30 Sec. 11. Penalties.

31 (a) Except as otherwise provided in this Section any
 32 person in violation of any of the provisions of this Act, or
 33 administrative rules thereunder, shall be guilty of a Class A

1 misdemeanor.

2 (a-5) Any person convicted of violating Section 3 of this
3 Act shall be guilty of a Class A misdemeanor and fined at
4 least \$500 but no more than \$5,000 for a first offense and
5 guilty of a Class A misdemeanor and fined at least \$1,000 but
6 no more than \$5,000 for a second or subsequent offense.

7 (b) Any person convicted of violating subsections (a) or
8 (b) of Section 5 of this Act is guilty of a Class 4 felony if
9 the aggregate value of the timber purchased, cut, caused to
10 be cut or appropriated is over \$300 but not more than \$2,500.

11 (c) A person convicted of violating subsection (f) of
12 Section 5 of this Act is guilty of a Class A misdemeanor. A
13 person convicted of a second or subsequent violation is
14 guilty of a Class 4 felony.

15 (c-5) Any person convicted of violating subsection (a)
16 or (b) of Section 5 of this Act is guilty of a Class 3 felony
17 if the aggregate value of the timber purchased, cut, caused
18 to be cut or appropriated is over \$2,500 but not more than
19 \$10,000.

20 (c-10) Any person convicted of violating subsection (a)
21 or (b) of Section 5 of this Act is guilty of a Class 2 felony
22 if the aggregate value of the timber purchased, cut, caused
23 to be cut or appropriated is over \$10,000.

24 (c) A person convicted of violating subsection (f) of
25 Section 5 of this Act is guilty of a Class A misdemeanor. A
26 person convicted of a second or subsequent violation is
27 guilty of a Class 4 felony.

28 (d) All amounts collected as fines imposed as penalties
29 for violation of this Act shall be deposited in the Illinois
30 Forestry Development Fund for the purposes of the "Illinois
31 Forestry Development Act".

32 ~~(e) --In case of a failure to pay any harvest fee required~~
33 ~~under Section 9a of this Act on the date as required by~~
34 ~~regulation of the Department, there shall be added as a~~

1 penalty--an--amount--equal--to--7.5%--of--the--harvest--fee--due--the
 2 Department--for--each--month--or--fraction--thereof--during--which
 3 such--failure--continues,--not--to--exceed--37.5%--in--the--aggregate.
 4 This--penalty--shall--be--in--addition--to--any--other--penalty
 5 determined--under--this--Act.

6 (f)--In--case--of--failure--to--file--the--appropriate--report--of
 7 the--purchase--harvest--fee--form--stipulated--under--Section--9a--of
 8 this--Act--on--the--date--prescribed--therefore,--a--penalty--in--the
 9 amount--of--\$25--for--each--individual--report--shall--be--added--to
 10 the--amount--due--the--Department.---This--penalty--shall--be--in
 11 addition--to--any--other--penalty--determined--under--this--Act.

12 (Source: P.A. 86-208.)

13 (225 ILCS 735/13) (from Ch. 111, par. 713)

14 Sec. 13. License revocation. The--Department--may--revoke
 15 the--license--of--any--person--who--violates--the--provisions--of--this
 16 Act,--and--may--refuse--to--issue--any--permit--or--license--to--such
 17 person--for--a--period--not--to--exceed--5--years--following--such
 18 revocation.

19 License--revocation--procedures--shall--be--established--by
 20 administrative--rule.

21 (a) Whenever the holder of a license issued under this
 22 Act is found guilty of any misrepresentation in obtaining his
 23 or her license or of a violation of any of the provisions of
 24 this Act or rules adopted pursuant to this Act, the
 25 Department may:

- 26 (1) revoke his or her license;
- 27 (2) refuse to issue a license to that person; and
- 28 (3) suspend the person from engaging in the
 29 activity requiring the license for up to 5 years
 30 following the revocation.

31 Whenever the holder of a license issued under this Act is
 32 found guilty of any misrepresentation in obtaining his or her
 33 license or of a violation of any of the provisions of this

1 Act or rules adopted pursuant to this Act, and his or her
2 license has been previously revoked or his or her ability to
3 engage in the activity requiring the license has been
4 previously suspended, the Department may:

5 (1) revoke his or her license;

6 (2) refuse to issue any license to that person; and

7 (3) suspend the person from engaging in the
8 activity requiring the license for at least 5 years but
9 not more than 10 years following the revocation or
10 suspension.

11 Whenever the holder of a license issued under this Act is
12 found guilty of any misrepresentation in obtaining that
13 license or of a violation of any of the provisions of this
14 Act or rules adopted under this Act, and his or her license
15 has been previously revoked or his or her ability to engage
16 in the activity requiring the license has been suspended on 2
17 or more occasions, the Department may:

18 (1) revoke his or her license;

19 (2) refuse to issue any license to that person; and

20 (3) suspend the person from engaging in the
21 activity requiring the license for at least 10 years
22 following the revocation or suspension. Department
23 revocation procedures shall be established by
24 administrative rule.

25 (b) Whenever a person who has not been issued a license
26 under this Act is found guilty of a violation of the
27 provisions of this Act or rules adopted under this Act, the
28 Department may:

29 (1) refuse to issue any license to that person; and

30 (2) suspend that person from engaging in the
31 activity requiring the license for up to 5 years
32 following the revocation.

33 Whenever a person who has not been issued a license under
34 this Act is found guilty of a violation of this Act or rules

1 adopted under this Act and his or her license has been
2 previously revoked or his or her ability to engage in the
3 activity requiring the license has been previously suspended,
4 the Department may:

5 (1) refuse to issue any license to that person; and

6 (2) suspend that person from engaging in the
7 activity requiring the license for at least 5 years but
8 not more than 10 years following the revocation or
9 suspension.

10 Whenever a person who has not been issued a license under
11 this Act is found guilty of a violation of this Act or rules
12 adopted under this Act and his or her license has been
13 previously revoked or his or her ability to engage in the
14 activity requiring the license has been suspended on 2 or
15 more occasions, the Department may:

16 (1) refuse to issue any license to that person; and

17 (2) suspend that person from engaging in the
18 activity requiring the license for at least 10 years
19 following the revocation or suspension.

20 (c) Licenses authorized under this Act shall be prepared
21 by the Department and be in such form as prescribed by the
22 Department. The information required on each license shall
23 be completed thereon by the issuing agent at the time of
24 issuance and each license shall be signed by the licensee.
25 All such licenses shall be supplied by the Department,
26 subject to such rules as the Department may prescribe. Any
27 license that is not properly prepared, obtained, and signed
28 as required by this Act shall be void.

29 (d) Any person whose license to engage in an activity
30 regulated by this Act has been revoked or whose ability to
31 engage in the activity requiring the license has been
32 suspended may not, during the period of suspension or
33 revocation:

34 (1) hold any license authorized by this Act;

1 (2) perform directly or indirectly any privileges
2 authorized by any license issued in accordance with this
3 Act; or

4 (3) buy, sell, barter, trade, or take possession of
5 any timber as defined in this Act, regardless of any
6 contractual agreements entered into prior to the
7 revocation or suspension.

8 (e) No person may be issued a license or engage in any
9 activity regulated by this Act for which a license is
10 required during the time that the person's privilege to
11 engage in the same or similar activities is suspended or
12 revoked by another state, by a federal agency, or by a
13 province of Canada.

14 Any person who knowingly or intentionally violates any of
15 the provisions of this Act, or administrative rules
16 thereunder, when his or her license ~~or~~ permit has been
17 revoked or denied or his or her ability to engage in the
18 activity requiring the license has been suspended under this
19 Section, is guilty of a Class 4 felony.

20 Section 10. The Forest Products Transportation Act is
21 amended by changing Sections 2.06, 6, and 10 and adding
22 Section 14 as follows:

23 (225 ILCS 740/2.06) (from Ch. 96 1/2, par. 6908)

24 Sec. 2.06. "Proof of ownership" means a printed document
25 provided by the Department that serves as a written bill of
26 sale and bill of lading. The information required in this
27 document shall be established by administrative rule.
28 ~~includes a written bill of sale, a written bill of lading, or~~
29 ~~a written or printed document containing the minimum~~
30 ~~information required by the Department by rule.~~

31 (Source: P.A. 86-208.)

(225 ILCS 740/6) (from Ch. 96 1/2, par. 6913)

Sec. 6. Any person hauling or transporting 2 or more trees and forest products, or either of them, on any highway in this State shall be required to show proof of ownership as defined in Section 2.06 of this Act, except that interstate transporters originating outside of this State and traveling to destinations within or outside of this State may show documents in accordance with Illinois Commerce Commission rules in lieu of such proof of ownership.

If that person is unable to show proof of ownership, the timber and forest products so hauled or transported, and the vehicle or conveyance used as the means of transportation may be held by the Department for disposition subject to court order.

(Source: P.A. 86-208.)

(225 ILCS 740/10) (from Ch. 96 1/2, par. 6917)

Sec. 10. The Department of Natural Resources may promulgate such rules and regulations as may be necessary or desirable to effectuate the purposes of this Act. The Department may make available at a reasonable cost the ~~decals, logs and tags authorized to be used by licensed timber growers under Section 8.~~

(Source: P.A. 89-445, eff. 2-7-96.)

(225 ILCS 740/14 new)

Sec. 14. Any timber, forestry, or wood cutting device or equipment, including vehicles and conveyances used or operated in violation of this Act or rules adopted under this Act or attempted to be used in violation of this Act or rules adopted under this Act shall be deemed a public nuisance and subject to seizure and confiscation by any authorized employee of the Department. Upon the seizure of such an item the Department shall take and hold the item until disposed of

1 as provided in this Section.

2 Upon the seizure of any property pursuant to this
3 Section, the authorized employee of the Department making the
4 seizure shall forthwith cause a complaint to be filed before
5 the circuit court and a summons to be issued requiring the
6 person who illegally used or operated or attempted to use or
7 operate the property and the owner and person in possession
8 of the property to appear in court and show cause why the
9 seized property should not be forfeited to the State. Upon
10 the return of the summons duly served or other notice as
11 provided in this Section, the court shall proceed to
12 determine the question of the illegality of the use of the
13 seized property and upon judgment being entered to the effect
14 that the property was illegally used, an order may be entered
15 providing for the forfeiture of the seized property to the
16 Department, which shall thereupon become the property of the
17 Department. However, the owner of the property may have a
18 jury determine the illegality of its use and shall have the
19 right of an appeal as in other cases. Such a confiscation or
20 forfeiture shall not preclude or mitigate against prosecution
21 and assessment of penalties otherwise provided in this Act.

22 Upon seizure of any property under circumstances
23 supporting a reasonable belief that the property was
24 abandoned, lost, stolen, or otherwise illegally possessed or
25 used contrary to the provisions of this Act, except property
26 seized during a search or arrest and ultimately returned,
27 destroyed, or otherwise disposed of pursuant to a court order
28 in accordance with this Act, the authorized employee of the
29 Department shall make reasonable inquiry and efforts to
30 identify and notify the owner or other person entitled to
31 possession thereof and shall return the property after that
32 person provides reasonable and satisfactory proof of his or
33 her ownership or right to possession and reimburses the
34 Department for all reasonable expenses of such custody. If

1 the identity or location of the owner or other person
2 entitled to possession of the property has not been
3 ascertained within 6 months after the Department obtains
4 possession, the Department shall effectuate the sale of the
5 property for cash to the highest bidder at a public auction.
6 The owner or other person entitled to possession of the
7 property may claim and recover possession of the property at
8 any time before its sale at public auction upon providing
9 reasonable and satisfactory proof of ownership or right of
10 possession and after reimbursing the Department for all
11 reasonable expenses of custody thereof.

12 Any property forfeited to the State by court order
13 pursuant to this Section may be disposed of by public
14 auction, except that any property that is the subject of such
15 a court order shall not be disposed of pending appeal of the
16 order. The proceeds of the sale at auction shall be
17 deposited in the Illinois Forestry Development Fund.

18 The Department shall pay all costs of notices required by
19 this Section.

20 (225 ILCS 740/4 rep.)

21 (225 ILCS 740/7 rep.)

22 (225 ILCS 740/8 rep.)

23 Section 15. The Forest Products Transportation Act is
24 amended by repealing Sections 4, 7, and 8.

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Statutes amended in order of appearance

- 225 ILCS 735/2 from Ch. 111, par. 702
- 225 ILCS 735/3 from Ch. 111, par. 703
- 225 ILCS 735/3a new
- 225 ILCS 735/4 from Ch. 111, par. 704
- 225 ILCS 735/5 from Ch. 111, par. 705
- 225 ILCS 735/7 from Ch. 111, par. 707
- 225 ILCS 735/9a from Ch. 111, par. 709a
- 225 ILCS 735/11 from Ch. 111, par. 711
- 225 ILCS 735/13 from Ch. 111, par. 713
- 225 ILCS 740/2.06 from Ch. 96 1/2, par. 6908
- 225 ILCS 740/6 from Ch. 96 1/2, par. 6913
- 225 ILCS 740/10 from Ch. 96 1/2, par. 6917
- 225 ILCS 740/14 new
- 225 ILCS 740/4 rep.
- 225 ILCS 740/7 rep.
- 225 ILCS 740/8 rep.